

SENATE NATURAL RESOURCES
COMMITTEE NO. 7
DATE 3-14-07
BILL NO. HB 557

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To: Montana Senate Natural Resources and Energy Committee

I live outside of Kalispell near two gravel pits and have been involved in gravel industry issues for several years. I urge you to vote **against** HB 557 "Revise criteria for zoning impact on sand, gravel, and asphalt operations" for the following reasons:

1. This bill would eliminate local control and set up a statewide loophole for industry. It is an end run around county and neighborhood planning.
2. Planning and tax systems are set up for totally different purposes. Mixing the two systems is very bad policy. There may be implications of combining the two that have major hidden consequences. See #3 and 4 for definite consequences.
3. Planning and zoning look at a neighborhood as a whole while tax designations only look at a single piece of property. The tax system does not look at what is next door. One implication of this legislation is that industry could operate across from schools, hospitals, day care centers, nursing homes, in high density areas and many other places where the industry would be incompatible with the current land use. In fact, taken to the extreme, the industry could operate near downtown Lakeside and Bigfork.
4. Landowners could go through subdivision review and get a zoning change to residential. However, the tax designation on the property doesn't change until improvements are made on the property. This could be years down the line. Therefore, adjacent landowners would expect uses compatible with residential zoning but since the property is not taxed as residential industry could operate with no local oversight.
5. Industry claims that the DEQ permitting process is sufficient. However, the DEQ process does nothing to examine if this industry is a compatible land use with adjacent property. This is a county planning function.
6. This is a Flathead County issue and should be dealt with at the county level instead of passing a statewide loophole for industry.

I appreciate the opportunity to comment on this legislation and thank you for your time.

Sincerely yours,

Todd Spangler